

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

JOHN ADAMS, an individual,)	Case No.
)	
Plaintiffs,)	
)	
v.)	JURY TRIAL DEMANDED
)	
NETFLIX, INC., a Delaware Corporation,)	
RAW TV, Ltd., an entity of unknown origin,)	
and DOES 1 through 20 inclusive,)	
)	
Defendant.)	
)	

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, John Adams (“**Plaintiff**”), for his Complaint against Netflix, Inc. (“**Defendant**”) alleges the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.*
2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and (b), & 1367(a).
3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391 (b), (c), and/or 1400(a).

DESCRIPTION OF PARTIES

4. Plaintiff is an individual residing in Scottsdale, Arizona.

5. On information and belief, Defendant Netflix, Inc. (“**Netflix**”) is a corporation organized under the laws of Delaware with a principal place of business at 100 Winchester Circle, Los Gatos, California 95032. Netflix is registered to do business in the state of Arizona.
6. On information and belief, RAW TV, Ltd., (“**Raw**”) is an entity of unknown origin, having its principal place of business at Third Floor, 13-21, Curtain Road, London, England, EC2A3LT. Raw is registered to do business in the state of Arizona and is the producer of the docuseries and its publication which is the subject of this action. Netflix and Raw shall sometimes be collectively referred to herein as “**Defendants**”.

FACTUAL BACKGROUND

7. Plaintiff is the father of Dr. Kimberley Adams. In or around 2017, Plaintiff’s daughter became acquainted with an individual by the name of Robert Freeborn (“**Freeborn**”) and became ‘involved ‘with Freeborn based on representations made by Freeborn about himself and his past. The relationship, based as it was upon lies and deceit, totally unknown to Plaintiff and his daughter, evolved into what appeared to be one of a normal, romantic couple.
8. During this time, Plaintiff took a photograph of his daughter and Freeborn together at Plaintiff’s home. Sometime thereafter, Freeborn essentially kidnapped Plaintiff’s daughter, secreting her away from Plaintiff while sporadically communicating only to extort money from Plaintiff and his daughter. Freeborn managed this scam until Plaintiff and his wife cooperated in an FBI sting that resulted in the arrest of Freeborn for a multitude

of crimes. It was during this time that Plaintiff was made aware of Freeborn's criminal proclivity and that he had preyed on other women victims as well.

9. Freeborn was subsequently dubbed "The Puppet Master" by the media and tried for multiple offenses. He was subsequently released from prison based on procedural technicalities, but his notoriety remained a marketable asset.
10. Plaintiff's daughter and others deceived by Freeborn have been the subject of widespread attention through the years which has increased exponentially in 2022 because of the release of the documentary miniseries "The Puppet Master", which was aired on Netflix streaming service and produced by Raw.
11. In the docuseries streamed by Netflix and produced by Raw, the photograph taken by Plaintiff of his daughter and Freeborn are displayed prominently and constitute a focus thereof without Plaintiff's permission, or the existence of any legal ownership or right of Defendants.
12. The photo taken by Plaintiff as described herein is an original photo taken by Plaintiff, and, as such, is *de facto* copywritten and legally protected from unauthorized publication, (the **"Copyrighted Work"**).
13. On March 20, 2020, Netflix released The Puppet Master documentary miniseries, and has reportedly been watched by millions of viewers worldwide.
14. The Puppet Master documentary states it is "A NETFLIX ORIGINAL DOCUMENTARY SERIES."
15. At least one of the three (03) episodes in The Puppet Master features the Copyrighted Work.

16. Plaintiff did not grant permission to Defendants to use the Copyrighted Work in any of the episodes in The Puppet Master documentary.
17. Plaintiff has sent a certified and regular mail letter to Defendants, providing notice of copyright infringement and requesting a negotiated licensing arrangement. However, Defendants have never responded to the letter.
18. To date, Plaintiff has received no royalties or compensation for the use of the photo / Copyrighted Work in The Puppet Master docuseries, nor has either received any acknowledgment in the credits.

CAUSES OF ACTION:

CLAIM I: COPYRIGHT INFRINGEMENT

19. Plaintiff repeats, re-alleges, and incorporates by reference all preceding paragraphs of this Complaint.
20. Plaintiff is the owner of the Copyrighted Work.
21. Defendants or their agents utilized the Copyrighted Work and used the same without Plaintiff's permission in The Puppet Master docuseries.
22. Without Plaintiffs' permission, Defendants copied, prepared derivative works, distributed, marketed, and published Plaintiffs' Copyrighted Work as part of the Netflix The Puppet Master docuseries. These acts by Defendants or its agents constitute an actionable infringement of Plaintiffs' Copyrighted Work.
23. Due to Defendants' copyright infringement, Plaintiff has suffered damages in the form of actual damages and Defendants' profits in an amount to be established at trial.

24. Defendant's infringing conduct will continue unless enjoined by this Court.

CLAIM II: CONTRIBUTORY INFRINGEMENT

25. Plaintiff repeats, re-alleges, and incorporates by reference all preceding paragraphs of this Complaint.
26. The Puppet Master docuseries was produced by Raw and streamed by Netflix. The defendant, Netflix, knowingly contributed to and facilitated Raw's infringement of Copyrighted Work.
27. For this, reliance is placed on *Millennium Funding, Inc. v. 1701 Mgmt. LLC*, 576 F. Supp. 3d 1192, 1198 in which it was held that "*A contributory infringer is one who, with knowledge of the infringing activity, induces, causes or materially contributes to the infringing conduct of another.*" As The Puppet Master is a Netflix Original docuseries, Netflix had the knowledge of infringing activity and materially contributed to the unlawful distribution of Copyrighted Work.
28. Due to contributory conduct of Netflix, Netflix is also liable for contributory infringement.

CLAIM III: MISAPPROPRIATION

29. Plaintiff repeats, re-alleges, and incorporates by reference all preceding paragraphs of this Complaint.
30. The Defendants used and exploited Plaintiff's Copyrighted Work without authorization in a way that violated the Plaintiff's right of publicity and privacy. Therefore, the Defendants are liable for misappropriation.
31. "*Copyright infringement is defined as including the misappropriation of copyrighted work.*" *Shafe v. Am. States Ins. Co.*, 288 Ga. App. 315, 315.

32. The Defendants misappropriated Plaintiff's Copyrighted Work without giving any royalties or credit to the Plaintiff. In any event, Plaintiff's permission in using Copyrighted Work for The Puppet Master docuseries was essential and the Defendants failed to obtain it.

PRAYER FOR RELIEF

33. Plaintiff demands judgment against Defendants as follows:
- a. Defendants, its affiliates, agents, and employees be permanently enjoined from infringing Plaintiff's copyrights in and to the Copyrighted Work;
 - b. The Plaintiff be awarded all direct or indirect profits of Defendants', the damages to Plaintiff and any other monetary advantage gained by Defendants through the infringement, the exact sum to be proven at the time of trial.
 - c. That Plaintiff be awarded his costs of this action; and
 - d. That Plaintiffs be awarded such further legal, statutory and equitable relief as the Court deems proper.

Respectfully submitted,

/s/ John Griffiths

John Griffiths

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ATTORNEY FOR PLAINTIFFS

DEMAND FOR JURY TRIAL

Plaintiff, John Adams, demands a jury trial for all the triable issues and facts.

Respectfully Submitted by:

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